

REMARKS

Claims 1 – 24 are pending in the above-identified patent application. Claims 1 – 24 were rejected in the Office Action dated September 28, 2004. Claims 5, 16, and 22 are being amended. Reconsideration is respectfully requested.

Objections to the Specification

In section 2 of the Office Action, the Examiner objected to the title as non-descriptive. In response, Applicant is amending the title per the Examiner's suggestion.

In section 3 of the Office Action, the Examiner objected to the disclosure for not providing prior art. Applicant and applicant's representative know of no prior art at this time. If either of us become aware of prior art, we will file an information disclosure statement citing the same.

Accordingly, Applicant requests withdrawal of these objections.

Objection to Drawings

In section 4 of the Office Action, the Examiner objected to the drawings for not being designated as prior art. Applicant submits that Figures 1 and 2 are not prior art and therefore should not be designated as such. None of the figures are discussed in the background and are instead discussed in the Detailed Description of the Illustrated Embodiment. Specifically, Fig. 1 shows the invention (110) installed onto a remote asset (100), e.g., a truck. Fig. 2 shows a block diagram of the invention (110). Accordingly, Applicant submits that it is inappropriate to label one's own invention as prior art and requests withdrawal of this objection.

Claim Objections

In section 5 of the Office Action, the Examiner objected to claims 16 and 22. Applicants are amending the claims to overcome the rejection and therefore request withdrawal of the objections.

Claim Rejections – 35 U.S.C. §103

In section 8 of the Office Action, the Examiner rejected claims 1, 9, 17, and 18 over U.S. Patent Application Publication No. 2002/0087674 to Guilford et al. (hereinafter *Guilford*) in view of U.S. Patent No. 6,185,612 to Jensen et al. (hereinafter *Jensen*).

Applicant respectfully submits that claim 1 is patentable over *Guilford* and *Jensen*, whether considered independently or in combination, by at least reciting:

A method, comprising:

determining availability of wireless networks supported by an asset monitoring device;

performing a weighted score analysis of the available wireless networks as a function of network attributes and data segment attribute weights; and

selecting one of the available wireless networks to transmit a data segment based on the weighted score analysis.

First, none of the references disclose an asset monitoring device. *Guilford* is directed to a wireless device, i.e., a cell phone 12 as shown in FIG. 3, 5, 6, and 11 and described throughout the specification. Contrary to the Examiner's assertion, paragraph 20 of *Guilford* makes no reference to an asset monitoring device. *Jensen* is directed to computing systems (e.g., network clients and servers coupled to a plurality of networks) and not to an asset monitoring device.

Further, contrary to the Examiner's assertion, *Guilford* does not teach making a weighted analysis of available networks. In fact, the term weight is not used once in *Guilford*. *Guilford* instead teaches assignment of a network based on multiple variables but there is no weighted determination (see Fig. 8A and related description in the specification). The determination is only if a network meets various requirements. In contrast, the claimed invention enables the determination of a network based on a plurality factors based on which factors are most important. Accordingly, the claimed invention enables a tradeoff between factors. Even if one factor is not ideal for a network, that network may still be selected if other factors are acceptable based on their importance. Further, if a plurality of factors for a network are acceptable but the most important factor is not, that network will not be selected. For example, when reporting a theft of a monitored asset, cost is not an important factor but speed and reliability are. For regular reporting of a monitored asset location, cost would be important but other factors less so. (See last paragraph starting on page 11 of the specification). Therefore, the claimed invention

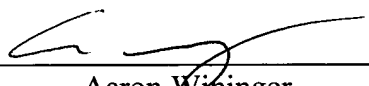
offers a significant improvement over the cited references by enabling tradeoffs in various factors in network selection.

As such, Applicant submits that claim 1 is patentable over the cited references. Further, claims 9, 17, and 18 should be patentable over the cited references for the same reasons since they recite similar limitations. Further, the remaining claims should be patentable over the cited references at least by virtue of their dependency to patentable claims.

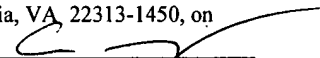
Therefore, Applicant respectfully requests that a timely Notice of Allowance be issued in this case. If the Examiner has any questions, he is invited to contact the undersigned at +1.650.843.3375.

Respectfully submitted,
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CERTIFICATE OF MAILING

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA, 22313-1450, on
Date: November 18, 2004 By: 

Aaron Winger